

JAN 28 2008 *new*  
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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT  
COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

LOUIS C. SHEPARD

v

P. HARVEY ET AL

CASE # 08 CV 0116

EMERGENCY LEGAL MEMO TO COURT

LEGAL MEMORANDUM

PLAINTIFF HEREWITH SUBMITS THE ATTACHED  
LEGAL MEMORANDUM WITH REGARDS TO  
DEFENDANT'S REFUSAL TO FOLLOW-UP ON A  
POSITIVE MAMMOGRAM AND TORN ROTATOR CUFF  
OF LEFT SHOULDER; AND DISCLOSURE OF MEDICAL  
RECORDS.

LEGAL MEMORANDUM

PLAINTIFF ASSERTS THAT DEFENDANT(S)  
HAD AN OBLIGATION UNDER LAW TO INSURE  
THAT THE CORRECT MEDICAL RECORDS WERE SENT  
TO PLAINTIFF'S FACILITY. UNIFORM HEALTH  
CARE INFORMATION ACT § 2-101(a).

THAT DEFENDANT(S) BREACHED THAT  
ACT WHEN THEY DISCLOSED THE HEALTH CARE  
RECORDS OF SOMEONE OTHER THAN PLAINTIFF. Id.

HOSPITALS CONFERENCE COMMITTEE REPORT NO 93-1597

(1974) PAGE 11 AND USED THEM AS PLAINTIFF'S RECORDS

THAT JAMES T. CAIL'S MEDICAL RECORDS  
ARE EVIDENTIARY PROOF OF WRONGDOING. SEE  
UNIFORM RULES OF EVIDENCE, RULES 803(b).

FURTHER PLAINTIFF CITES THAT EXHIBITS  
ATTACHED TO THE COMPLAINT, IN THIS CASE  
ARE RECORDS KEPT PURSUANT TO A ROUTINE  
PROCEDURE DESIGNED TO ASSURE ACCURACY AND  
ARE NOT PREPARED FOR LITIGATION. CAPITAL  
MARINE SUPPLY v. M/V ROSEBUD CAT THOMAS, 719 F.2d 104;  
U.S. v. GLASSER, 773 F.2d 1553 (CA 5 LA)

Plaintiff has irrefutable proof of  
 Uniform Health Care Information Act violations  
 by Defendant Saint Anthony<sup>1/</sup>, and even after  
 being notified failed to attempt to recover<sup>2/</sup>  
 said medical records, US v Sanders, 719 F2d 195,  
 16 Fed Rules of Evidence Series-1274; U.S. v Craft,  
 750 F2d 1354, and continued wrongful disclosure.

Additionally, Defendant<sup>WALKER/</sup> Sutor and Harvey  
 had/and obligations to continue treatment of  
 Plaintiff's Shoulder Injury<sup>3/</sup> instead of premature

<sup>1/</sup> And P. Harvey, Defendant at MCC

<sup>2/</sup> or correct

<sup>3/</sup> and best chance

DISCHARGE OF PLAINTIFFS. BALDOR v. ROGERS,

81 So 2d 658, 55 ALR2d 453 (FLA 1954).

PLAINTIFF CITES ABANDONMENT BY SUTOR; AND HARVEY.

TAKOCCI - NOWZI v GRUNTER, 745 A2d 939 (2000 DC)

ADDITIONALLY PLAINTIFF CITES THAT

NEGLIGENCE<sup>1/</sup> HAS BEEN FOUND SUPPORTABLE

WHERE A DOCTOR FAILED TO HAVE A BLOPSY

MADE IN ORDER TO DETERMINE WHETHER OR

NOT A GROWTH WAS MALIGNANT. JEANS v.

MILNOR, 428 F2d 598 (8th Cir 1970); ONETLIE

v. KILCISTIAN, 511 F2d 511 (1975)

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1/ AND 8 ABANDONMENT VIOLATIONS TOO!

2/ FROM UIC VIA TELEPHONE ORALOW 1/10/08 (DR. LOWITZES).

By THE SAME TOKEN SUTON OR HARVEY  
 SHOULD OF ORDERED AN MRI AND/OR BIOPSY  
 OF PLAINTIFF'S BREAST AND SHOULDER<sup>1/</sup>. Id  
 SEE ALSO: FORTNER v. KOCH 272 MICH, 273  
 261 N.W. 762 (1935); O'Driscoll v. STORER, 443 F.2d  
 1013; HARDY v. SOUTHERN PACIFIC EMPLOYEES ASS'N,  
 10 ARIZ APP. 464, 459 P.2d 743 (1935)

IN SHORT THE TREATING PHYSICIAN AND  
 HOSPITAL BREACHED THEIR DUTY OF CARE TO THE  
 PLAINTIFF, THEREBY CAUSING HIS INJURY(IES)

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1/ SEVERAL DOCTORS ORDERED FOLLOW-UPS INCLUSIVE  
 OF SUTON, AND AFTERWARDS - HOWEVER TO DATE  
 NO ONE HAS FOLLOWED-UP THE INJURY OR BREAST  
 MASS

— E —

BECAUSE THEY LACKED THE KNOWLEDGE &  
 SKILL POSSESSED BY AN AVERAGE PHYSICIAN  
 IN THE COMMUNITY AT THE TIME, THAT  
 THEY FAILED TO EXERCISE ORDINARY AND  
 REASONABLE CARE IN THE APPLICATION OF  
 THEIR KNOWLEDGE AND SKILL, AND THEY  
 FAILED TO USE THEIR BEST JUDGMENT  
 IN THE APPLICATION OF THIS KNOWLEDGE  
 AND SKILL. METZEN V. U.S., 19 F3d 295 (1994);  
CRAIG V. MURPHY, 35 FED APPX 765 (10 CIR 2002)  
 AND CAUSED PLAINTIFFS GREAT & UNUSUAL PAIN AND SUFFERING.

WHEREFORE, BASED UPON THE LEGAL  
MEMORANDUM, LAWS OF THE UNITED STATES,  
AND CITATIONS OF AUTHORITY, PLAINTIFF  
MOVES THAT COUNSEL BE APPOINTED, PRO  
BOND, OR SUMMARY JUDGMENT BE ENTERED.

1/24/08

RESPECTFULLY SUBMITTED,

*Joel Shapiro*

LOUIS C. SHAPIRO  
71 W. VAN BUREN ST  
CHICAGO, IL 60605